

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SADIE HACKLER, on behalf of herself
and all others similarly situated,

Plaintiff,

V.

TOLTECA ENTERPRISES, INC. d/b/a
PHOENIX RECOVERY GROUP,

Defendant.

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Case No. 5:18-CV-00911-XR

ADVISORY TO THE COURT

Plaintiff and Class Representative Sadie Hackler, by and through her counsel of record, and pursuant to the Court's Order of April 27, 2020 (ECF No. 45), advises the Court of the following:

1. Pursuant to the Court's Order, the parties conferred by conference call on May 12, 2020 and discussed:

- a. Any changes to Plaintiff's proposed notice to the class;
- b. The parties plan to ascertain the names and contact information for all class members;
- c. The total number of class members;
- d. The total estimated cost of providing notice to the class;
- e. Any agreement as to allocation of costs of notice among the parties;

2. Defendant agreed to allow Plaintiff's attorneys to directly contact Defendant's bulk mailer to determine how many of the form letters were sent during the

one-year class period (beginning August 31, 2017 and ending August 31, 2018) and the estimated cost of sending the notice that was approved by the court (with no changes suggested by Defendant). Plaintiff's attorney contacted the mailer via email, with copy to Defendant's counsel, but due a communication error, that contact was not made until yesterday. The mailer has not responded as of this time.

3. Regardless of the cost of mailing the notice, Defendant opposes shifting the costs to Defendant. Defendant does not waive its right to appeal the class certification order or the partial summary judgment order.

4. Plaintiff's counsel will update the Court as soon as the mailer responds with specific information concerning the class size and costs of notice.

Respectfully submitted,

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I certify by my signature below that on May 27th, 2020, I have caused a true and correct copy of the above and foregoing to be served on all counsel of record through the Court's Electronic Filing Noticing System.

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Counsel for Defendant

/s/ Benjamin R. Bingham

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